

**TOWN OF PARACHUTE
ORDINANCE NO.786-2020**

AN ORDINANCE OF TOWN COUNCIL OF THE TOWN OF PARACHUTE, COLORADO, ANNEXING TO THE TOWN OF PARACHUTE, COLORADO CERTAIN REAL PROPERTY INCLUDED IN THE PETITION FOR ANNEXATION TO THE TOWN OF PARACHUTE FROM BATTLEMENT MESA LAND INVESTMENTS, LLC AND BATTLEMENT MESA PARTNERS, LLC

WHEREAS, on June 11, 2020, Battlement Mesa Land Investments, LLC and Battlement Mesa Partners, LLC (collectively, the “Petitioner”) filed with the Town Clerk of the Town of Parachute, Colorado, a Petition for Annexation (“Petition”), including annexation maps, requesting that the Town Council commence proceedings to annex in to the Town of Parachute certain unincorporated tracts of land located in the County of Garfield, State of Colorado, as described in **Exhibit A** (the “Annexation Property”), attached hereto and incorporated herein by this reference;

WHEREAS, the Town Council, by Resolution 2020-20, found that Petition is in substantial compliance with the requirements of the Municipal Annexation Act of 1965, C.R.S. §31-12-107, as amended, established a date, time, and place for a hearing upon the Petition, and directed the Town Clerk to give notice of the hearing in accordance with C.R.S. §31-12-108(2);

WHEREAS, notice of such hearing was published on 7/20, 7/22, 7/29, and 8/5, 2020 in the *Post Independent*

WHEREAS, the public hearing on the Petition was held on August 20, 2020 at a regularly scheduled meeting of the Parachute Town Council;

WHEREAS, the Town Council, by Resolution 2020-23 set forth its Findings of Fact, Determinations, and Conclusions with regard to annexation to the Town of the Annexation Property; and

WHEREAS, the Town Council wishes to annex the Annexation Property in to the Town.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF PARACHUTE, COLORADO THAT:

Section 1. The foregoing recitals are incorporated herein as if set forth in full.

Section 2. The Town Council hereby approves the annexation of the Annexation Property, and such real property is hereby annexed to and made a part of the Town of Parachute. Within ten (10) days after final publication of this Ordinance, the Town Clerk of the Town of Parachute, Colorado, on behalf of the Town shall:

- A. File one (1) copy of the Annexation Map and the original of this Annexation Ordinance in the office of the Town Clerk of the Town of Parachute, Colorado;
- B. File for recording three (3) certified copies of this Annexation Ordinance and three (3) copies of the Annexation Map, containing a legal description of the Annexation Property, with the County Clerk and Recorder of Garfield County, Colorado, with directions to the Garfield County Clerk and Recorder to file one certified copy of this Annexation

Ordinance and one copy of the Annexation Map with the Division of Local Government of the Department of Local Affairs of the State of Colorado and one certified copy of this Annexation Ordinance and one copy of the Annexation Map with the Colorado Department of Revenue; and

- C. File one certified copy of this Annexation Ordinance and one copy of the Annexation Map in the office of the County Assessor of Garfield County, Colorado.

Notwithstanding the foregoing, the Town Clerk shall not make the foregoing filings until the Town receives a fully executed Annexation Agreement from the Petitioner.

Section 3. If any provision of this Ordinance is found to be unconstitutional or unlawful, such finding shall only invalidate that part of portion found to violate the law. All other provisions shall be deemed severable and shall continue in full force and effect.

INTRODUCED, READ, PASSED, ADOPTED, AND ORDERED PUBLISHED BY TITLE ONLY by a vote of 3 to 2 of the Town Council of the Town of Parachute, Colorado at a regular meeting held at Town Hall in the Town of Parachute, Colorado, on the 20th day of August, 2020 and approved by the Mayor on the 20th day of August, 2020.



TOWN COUNCIL OF THE TOWN OF
PARACHUTE, COLORADO

By: Roy McClung
Roy McClung, Mayor

ATTEST:

Lucy Spalenka
Lucy Spalenka, Town Clerk

PUBLIC NOTICE

Public notice is hereby given that an Ordinance entitled:

AN ORDINANCE OF TOWN COUNCIL OF THE TOWN OF PARACHUTE, COLORADO, ANNEXING TO THE TOWN OF PARACHUTE, COLORADO CERTAIN REAL PROPERTY INCLUDED IN THE PETITION FOR ANNEXATION TO THE TOWN OF PARACHUTE FROM BATTLEMENT MESA LAND INVESTMENTS, LLC AND BATTLEMENT MESA PARTNERS, LLC OWNED BY JWT LAND COMPANY, LLC.

was introduced before the Town Council on August 20, 2020; that a copy of said Ordinance is posted at Town Hall; and that the Ordinance was approved at a regular meeting of the Town Council held on August 20, 2020, and approved by the Mayor on August 20, 2020.

Copies of the adopted ordinance are available for inspection at the Town Hall, Parachute, Colorado and available on the internet at <http://www.parachutecolorado.com>.

Dated this 20 day of August 2020.

TOWN OF PARACHUTE



Lucy Spalenka, Town Clerk